

specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F.Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of this standard, the Court has reviewed, de novo, the Report and the objections thereto. The Court accepts the Report.

THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 34), plaintiff's objections are **OVERRULED** (Doc. # 35); and the defendants' motion to dismiss or in the alternative for summary judgment is **DENIED** at this time. (Doc. # 25). The defendants shall have thirty (30) days to re-file their motion, along with attached affidavits and exhibits, and to serve plaintiff with a complete copy of their motion and memorandum. Upon any such re-filing, a new Roseboro Order shall issue giving the plaintiff time to respond to the motion for summary judgment with the attached exhibits.

IT IS SO ORDERED.

s/ Terry L. Wooten
TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE

June 8, 2006
 Florence, South Carolina